

# House File 2058 - Introduced

HOUSE FILE \_\_\_\_\_  
BY SMITH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing a shaken baby syndrome prevention program in  
2 the department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5552HH 82  
5 jp/nh/14

PAG LIN

1 1 Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME  
1 2 PREVENTION PROGRAM.  
1 3 1. For the purposes of this section:  
1 4 a. "Birth center" and "birthing hospital" mean the same as  
1 5 defined in section 135.131.  
1 6 b. "Child care provider" means the same as a child care  
1 7 facility, as defined in section 237A.1, that is providing  
1 8 child care to a child who is newborn through age three.  
1 9 c. "Family support program" means a program offering  
1 10 instruction and support for families in which home visitation  
1 11 is the primary service delivery mechanism.  
1 12 d. "Parent" means the same as "custodian", "guardian", or  
1 13 "parent", as defined in section 232.2, of a child who is  
1 14 newborn through age three.  
1 15 e. "Person responsible for the care of a child" means the  
1 16 same as defined in section 232.68, except that it is limited  
1 17 to persons responsible for the care of a child who is newborn  
1 18 through age three.  
1 19 f. "Shaken baby syndrome" means the collection of signs  
1 20 and symptoms resulting from the vigorous shaking of a child  
1 21 who is three years of age or younger. Shaken baby syndrome  
1 22 may result in bleeding inside the child's head and may cause  
1 23 one or more of the following conditions: irreversible brain  
1 24 damage; blindness, retinal hemorrhage, or eye damage; cerebral  
1 25 palsy; hearing loss; spinal cord injury, including paralysis;  
1 26 seizures; learning disability; central nervous system injury;  
1 27 closed head injury; rib fracture; subdural hematoma; or death.  
1 28 Shaken baby syndrome also includes the symptoms included in  
1 29 the diagnosis code for shaken infant syndrome utilized by Iowa  
1 30 hospitals.  
1 31 2. a. The department shall establish through contract a  
1 32 statewide shaken baby syndrome prevention program to educate  
1 33 parents and persons responsible for the care of a child about  
1 34 the dangers to children three years of age or younger caused  
1 35 by shaken baby syndrome and to provide alternate techniques  
2 1 for venting anger and frustration. The program shall allow  
2 2 for voluntary participation and shall make available  
2 3 multimedia educational resources, written materials, and other  
2 4 resources to parents and persons responsible for the care of a  
2 5 child.  
2 6 b. The department shall provide for the development of  
2 7 multimedia resources, related written materials, participation  
2 8 and evaluation materials, and other resources. The department  
2 9 shall consult with experts with experience in child abuse  
2 10 prevention, child health, and parent education in developing  
2 11 the resources and materials.  
2 12 c. The program resources and materials shall be  
2 13 distributed to birth centers, birthing hospitals, family  
2 14 support programs, and child care providers. The department  
2 15 shall implement a collaborative approach for distribution with  
2 16 child abuse prevention programs, child care resource and  
2 17 referral programs, programs receiving funding through the  
2 18 community empowerment initiative, public and private schools,  
2 19 hospital and health care provider associations, local health  
2 20 departments, and others who regularly work with parents and

2 21 persons targeted by the program and the birth centers,  
2 22 birthing hospitals, and child care providers who provide  
2 23 services to such parents and persons. The distribution  
2 24 approach shall provide for distribution by a local health  
2 25 department in those areas where another collaborative agency  
2 26 is not available or unable to provide the distribution.

2 27 3. Each birth center, birthing hospital, child care  
2 28 provider, family support program, and maternal and pediatric  
2 29 health services provider in the state is requested to  
2 30 encourage program participation by the parents of newborn  
2 31 children and persons responsible for the care of a child who  
2 32 is newborn by doing all of the following:

2 33 a. Informing the parents and persons concerning the  
2 34 program.

2 35 b. Making the program resources and materials available to  
3 1 the parents and persons.

3 2 4. Beginning in January 2009, the department shall  
3 3 annually report in January to the governor and general  
3 4 assembly providing evaluation information concerning program  
3 5 participants and agencies collaborating with the program and  
3 6 program results.

3 7 5. The department shall implement the program to the  
3 8 extent of the amount appropriated or made available for the  
3 9 program for a fiscal year.

3 10 EXPLANATION

3 11 This bill establishes a shaken baby syndrome prevention  
3 12 program in the department of public health in new Code section  
3 13 135.119.

3 14 Terms are defined in the bill, largely based on existing  
3 15 Code definitions.

3 16 "Birth center" means the same as defined in Code section  
3 17 135.131: a facility or institution, which is not an  
3 18 ambulatory surgical center or a hospital or in a hospital, in  
3 19 which births are planned to occur following a normal,  
3 20 uncomplicated, low-risk pregnancy. "Birthing hospital" means  
3 21 the same as defined in Code section 135.131: a licensed  
3 22 private or public hospital that has a licensed obstetric unit  
3 23 or is licensed to provide obstetric services. "Child care  
3 24 provider" means the same as "child care facility", as defined  
3 25 in Code section 237A.1: a licensed child care center,  
3 26 preschool, or a registered child development home, that is  
3 27 providing care to children who are newborn through age three.  
3 28 "Family support program" means a program offering instruction  
3 29 and support for families in which home visitation is the  
3 30 primary service delivery mechanism.

3 31 "Parent" means the same as "parent", "guardian", or  
3 32 "custodian", as defined in Code section 232.2, of a child who  
3 33 is newborn through age three. Under Code section 232.2,  
3 34 "custodian" means a stepparent or a relative within the fourth  
3 35 degree of consanguinity to a child who has assumed  
4 1 responsibility for that child, a person who has accepted a  
4 2 release of custody, or a person appointed by a court or  
4 3 juvenile court having jurisdiction over a child; "guardian"  
4 4 means a person who is not the parent of a child, but who has  
4 5 been appointed by a court or juvenile court having  
4 6 jurisdiction over the child, to have a permanent  
4 7 self-sustaining relationship with the child and to make  
4 8 important decisions which have a permanent effect on the life  
4 9 and development of that child and to promote the general  
4 10 welfare of that child; and "parent" means a biological or  
4 11 adoptive mother or father of a child but does not include a  
4 12 mother or father whose parental rights have been terminated.

4 13 "Person responsible for the care of a child" means the same  
4 14 as defined in Code section 232.68, except that it is limited  
4 15 to persons caring for a child who is newborn through age  
4 16 three. Under Code section 232.68, the term means a parent,  
4 17 guardian, or foster parent; a relative or any other person  
4 18 with whom the child resides and who assumes care or  
4 19 supervision of the child, without reference to the length of  
4 20 time or continuity of such residence; an employee or agent of  
4 21 any public or private facility providing care for a child,  
4 22 including an institution, hospital, health care facility,  
4 23 group home, mental health center, residential treatment  
4 24 center, shelter care facility, detention center, or child care  
4 25 facility; and any person providing care for a child, but with  
4 26 whom the child does not reside, without reference to the  
4 27 duration of the care.

4 28 "Shaken baby syndrome" means the collection of signs and  
4 29 symptoms resulting from the vigorous shaking of a child who is  
4 30 age three or younger that may result in bleeding inside the  
4 31 head and may result in any of a number of conditions listed in

4 32 the bill.

4 33 The department is required to establish through contract a  
4 34 statewide shaken baby syndrome prevention program directed to  
4 35 parents and persons responsible for the care of a child, as  
5 1 these terms are defined in the bill.

5 2 The department is required to work with various experts in  
5 3 developing multimedia resources and written materials for  
5 4 distribution under the program to birth centers, birthing  
5 5 hospitals, and child care providers, and family support  
5 6 programs. The department is required to implement a  
5 7 collaborative approach for the distribution with various  
5 8 programs, health services providers, and agencies that work  
5 9 with the target population. If an area does not have a  
5 10 collaborative agency to perform the distribution, the  
5 11 distribution is required to be performed by the local health  
5 12 department.

5 13 Each birth center, birthing hospital, child care provider,  
5 14 and family support programs, and maternal and pediatric health  
5 15 services provider in the state is requested to encourage  
5 16 program participation by the parents of newborn children and  
5 17 persons responsible for the care of a child who is newborn by  
5 18 informing parents and others about the program and making  
5 19 materials available.

5 20 Beginning in January 2009, the department is required to  
5 21 report annually to the governor and general assembly  
5 22 concerning the program and program results.

5 23 LSB 5552HH 82

5 24 jp/nh/14